IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 667 of 2006

1. Tejpal S/o Sri Rodha Singh
   R/o Village Shantarshah
   Police Station Jawalapur
   District Haridwar
2. Plater @ Parveen S/o Shri Isam Singh
   R/o Village Bhadurpur Saini
   Police Station Jawalapur
   District Haridwar

... Applicants

Vs

1. State of Uttaranchal
2. Chief Judicial Magistrate
   District Haridwar
3. Ramesh Chandra
   S/o Sri Atar Singh
   Posted as Supply Inspector
   Block Roorkee
   District Haridwar ... Opposite Parties

Sri A.K. Sharma, learned counsel for the petitioners
Learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

By way of this petition, the petitioners have challenged the proceedings of Criminal Case No. 2834 of 2006 State Vs Dharmendra & others under Section 3/7 Essential Commodities Act pending in the court of Chief Judicial Magistrate, Haridwar.

2. Brief facts giving rise to this petition are that the Supply Inspector along with other staff inspected certain shops of the Food-grains and Essential Commodities. The Supply Inspector having received the information that the dealer of the shops were involved in black-marketing of the essential commodities and on this information a truck bearing registration No. UP10B / 0277 was intercepted and it was found that the rice and sugar were loaded therein. The driver was interrogated and he told that the petitioners were carrying those food-grains in order to sell in the open market. The

Supply Inspector accordingly challaned the petitioners for violating the provision of Essential Commodities Act.

3. The matter was investigated by the police and subsequently the chargesheet was submitted against the petitioners.

4. By way of this petition, the petitioners have thus challenged the chargesheet filed against them as well as the entire criminal proceedings of the aforesaid criminal case pending against them before the Court of Chief Judicial Magistrate, Haridwar.

5. Heard Sri A.K. Sharma, learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

6. Having considered the arguments advanced by the learned counsel for the petitioners, I am of the view that there is no abuse of process of court in this case. I am not supposed to embark upon an enquiry with regard to the reliability of the evidence which is to be adduced before the trial court. Any judgment rendered by me would amount to premature judgment at this stage where the evidence is still incomplete and hazy. The trial judge is to assess the evidence and record the findings with regard to the guilt or innocence of the petitioners.

7. Therefore, the petition lacks merit and is liable to be dismissed.

8. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

17.08.2006
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